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RESOLUTION NO. 05-569

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **STORM WATER DRAIN 248 (WEST OF 127TH ST. EAST, NORTH OF 21ST) 468-83936**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING **STORM WATER DRAIN 248 (WEST OF 127TH ST. EAST, NORTH OF 21ST) 468-83936**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution **No. 05-012** adopted on **January 4, 2005** is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct **Storm Water Drain 248 (west of 127th St. East, north of 21st) 468-83936**, in the City of Wichita, Kansas.

SECTION 3. That the cost of said improvements provided for hereof is estimated to be **Two Hundred Twenty-Eight Thousand Dollars (\$228,000)**, exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **December 1, 2004**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

THE FAIRMONT 3RD

Lots 1 through 7, Block A
Lots 10 and 11, Block A
Lots 15 through 43, Block A

PARCEL "A"

Lot 8, Block A, The Fairmont 3rd, an Addition to Wichita, Sedgwick County, Kansas EXCEPT that part of said Lot 8 described as follows: Beginning at the front corner common to said Lot 8 and Lot 9; in said Block A; thence N04°30'08"E along the lot line common to said Lots 8 and 9, 110.63 feet to the rear corner common to said Lots 8 and 9; thence N89°13'23"E along the rear line of said Lot 8, 71.80 feet; thence S29°53'25"W, (not radial to the front line of said Lot 8), 133.02 feet to a point on the front line of said Lot 8; thence westerly along the front line of said Lot 8, being a curve to the left, having a central angle of 23°00'13" and a radius of 37.00 feet, an arc distance of 14.85 feet, (having a chord length of 14.76 feet bearing N73°59'46"W) to the point of beginning.

PARCEL "B"

That part of Lot 8, Block A, The Fairmont 3rd, an Addition to Wichita, Sedgwick County, Kansas described as follows: Beginning at the front corner common to said Lot 8 and Lot 9; in said Block A; thence N04°30'08"E along the lot line common to said Lots 8 and 9, 110.63 feet to the rear corner common to said Lots 8 and 9; thence N89°13'23"E along the rear line of said Lot 8, 71.80 feet; thence S29°53'25"W, (not radial to the front line of said Lot 8), 133.02 feet to a point on the front line of said Lot 8; thence westerly along the front line of said Lot 8, being a curve to the left, having a central angle of 23°00'13" and a radius of 37.00 feet, an arc distance of 14.85 feet, (having a chord length of 14.76 feet bearing N73°59'46"W) to the point of beginning, TOGETHER with that part of Lot 9 described as follows: Beginning at the front corner common to said Lots 8 and 9; thence westerly along the front line of said Lot 9, being a curve to the left, having a central angle of 16°05'59" and a radius of 37.00 feet, an arc distance of 10.40 feet, (having a chord length of 10.36 feet bearing S86°27'08"W); thence N18°56'56"W, (not radial to the last described course), 116.47 feet to a point on the rear line of said Lot 9; thence N89°13'23"E along the rear line of said Lot 9, 56.85 feet to the rear corner common to said Lots 8 and 9; thence S04°30'08"W along the lot line common to said Lots 8 and 9, 110.63 feet to the point of beginning.

PARCEL "C"

Lot 9, Block A, The Fairmont 3rd, an Addition to Wichita, Sedgwick County, Kansas, EXCEPT that part of said Lot 9 described as follows: Beginning at the front corner common to said Lot 9 and Lot 8 in said Block A; thence westerly along the front line of said Lot 9, being a curve to the left, having a central angle of 16°05'59" and a radius of 37.00 feet, an arc distance of 10.40 feet, (having a chord length of 10.36 feet bearing S86°27'08"W); thence N18°56'56"W, (not

radial to the last described course), 116.47 feet to a point on the rear line of said Lot 9; thence N89°13'23"E along the rear line of said Lot 9, 56.85 feet to the rear corner common to said Lots 8 and 9; thence S04°30'08"W along the lot line common to said Lots 8 and 9, 110.63 feet to the point of beginning.

PARCEL "D"

Lot 12 Block A, The Fairmont 3rd, an Addition to Wichita, Sedgwick County, Kansas, EXCEPT that part of said Lot 12 described as follows: Beginning at the front corner common to said Lot 12 and Lot 13 in said Block A; thence S30°22'26"W along the lot line common to said Lots 12 and 13, 146.45 feet to the rear corner common to said Lots 12 and 13; thence S89°13'23"W along the south line of said Lot 12, 63.83 feet to the SW corner of said Lot 12; thence N00°46'37"W along the west line of said Lot 12, 75.52 feet; thence N61°33'21"E, (not radial to the front line of said Lot 12), 141.44 feet to a point on the front line of said Lot 12; thence southeasterly along the front line of said Lot 12, being a curve to the left, having a central angle of 33°33'33" and a radius of 37.00 feet, an arc distance of 21.67 feet; (having a chord length of 21.36 feet bearing S42°50'47"E) to the point of beginning.

PARCEL "E"

That part of Lot 12, Block A, The Fairmont 3rd, an Addition to Wichita, Sedgwick County, Kansas described as follows: Beginning at the front corner common to said Lot 12 and Lot 13 in said Block A; thence S30°22'26"W along the lot line common to said Lots 12 and 13, 146.45 feet to the rear corner common to said Lots 12 and 13; thence S89°13'23"W along the south line of said Lot 12, 63.83 feet to the SW corner of said Lot 12; thence N00°46'37"W along the west line of said Lot 12, 75.52 feet; thence N61°33'21"E, (not radial to the front line of said Lot 12), 141.44 feet to a point on the front line of said Lot 12; thence southeasterly along the front line of said Lot 12, being a curve to the left, having a central angle of 33°33'33" and a radius of 37.00 feet, an arc distance of 21.67 feet; (having a chord length of 21.36 feet bearing S42°50'47"E) to the point of beginning, TOGETHER with that part of said Lot 13 described as follows: Beginning at the front corner common to said Lots 12 and 13; thence southeasterly along the front line of said Lot 13, being a curve to the left, having a central angle of 04°09'23" and a radius of 37.00 feet, an arc distance of 2.68 feet, (having a chord length of 2.68 feet bearing S61°42'16"E); thence S26°13'03"W, 139.20 feet to a point on the rear line of said Lot 13; thence S89°13'23"W along the rear line of said Lot 13, 14.92 feet to the rear corner common to said Lots 12 and 13; thence N30°22'26"E along the lot line common to said Lots 12 and 13, 146.45 feet to the point of beginning.

PARCEL "F"

Lot 13, Block A, The Fairmont 3rd, an Addition to Wichita, Sedgwick County, Kansas EXCEPT the east 32.00 feet thereof and EXCEPT that part of said Lot 13 described as follows: Beginning at the front corner common to said Lot 13 and Lot 12 in said Block A; thence southeasterly along the front line of said Lot 13, being a curve to the left, having a central angle of 04°09'23" and a radius of 37.00

feet, an arc distance of 2.68 feet, (having a chord length of 2.68 feet bearing S61°42'16"E); thence S26°13'03"W, 139.20 feet to a point on the rear line of said Lot 13; thence S89°13'23"W along the rear line of said Lot 13, 14.92 feet to the rear corner common to said Lots 12 and 13; thence N30°22'26"E along the lot line common to said Lots 12 and 13, 146.45 feet to the point of beginning.

PARCEL "G"

The east 32.00 feet of Lot 13, Block A, The Fairmont 3rd, an Addition to Wichita, Sedgwick County, Kansas, TOGETHER with the west 24.00 feet of Lot 14 in said Block A.

PARCEL "H"

Lot 14, Block A, The Fairmont 3rd, an Addition to Wichita, Sedgwick County, Kansas EXCEPT the west 24.00 feet thereof.

SECTION 5. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment shall be on a **fractional** basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 1 through 7, Lots 10 and 11, and Lots 15 through 19, Block A, THE FAIRMONT 3RD ADDITION, shall each pay 54/3108 of the total cost of the improvements, Lots 20 through 43, Block A, THE FAIRMONT 3RD ADDITION, shall each pay 80/3108 of the total cost of the improvements, and PARCELS "A" THROUGH "H" shall each pay 54/3108 of the total cost of the improvements.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, November 8, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK
(SEAL)